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SERVICE DATE - JUNE 6, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 602X)

CSX TRANSPORTATION, INC.--ABANDONMENT  
EXEMPTION--IN LIMESTONE COUNTY, AL

Decided: June 5, 2003

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 0.56-mile line of railroad between milepost 000-290.2 and milepost 000-290.76 in Athens, Limestone County, AL.<sup>1</sup> On December 10, 2002, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the Limestone County Parks and Recreation Board to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding.<sup>2</sup> The negotiating period under the NITU is scheduled to expire on June 8, 2003. The December 10, 2002 decision also extended the deadline for CSXT to file its notice of consummation until August 7, 2003.

On May 30, 2003, CSXT filed a request to extend the NITU negotiating period until September 8, 2003, and the consummation deadline until November 7, 2003. CSXT states that it does not believe that it will be able to finalize the trail use negotiations by June 8, 2003.

Because extension of the consummation notice filing deadline and the NITU negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d), and the rail carrier has indicated its willingness to continue negotiations by requesting an extension, the request will be granted. See Policy Statement on Rails to Trails

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<sup>1</sup> Notice of the exemption was served and published in the Federal Register on December 21, 2001 (66 FR 66013-14).

<sup>2</sup> By decision served January 18, 2002, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to the condition that no salvage activities shall begin until the requirements under section 7 of the Endangered Species Act, 16 U.S.C. 1531, have been completed. By decision served February 7, 2002, the proceeding was reopened, and the endangered species condition imposed in the January 18, 2002 decision was removed.

Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiation period will be extended to September 8, 2003, and the consummation notice filing deadline will be extended to November 7, 2003.<sup>3</sup>

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. CSXT's request for an extension of the NITU negotiation period and its request for an extension of time to exercise abandonment authority are granted.
2. The negotiating period under the NITU is extended until September 8, 2003.
3. The authority to abandon must be exercised on or before November 7, 2003.
4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

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<sup>3</sup> Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.